

Legislative Proposals Related to Mutual Aid Agreements Talking Points

Introduction

Multi-jurisdictional mutual aid agreements are an important tool for law enforcement in conducting regional crisis response planning. In many instances, the Code lacks consistency regarding mutual aid response thereby frustrating regional collaboration. Agencies that have unique resources, such as equipment or specially trained officer units, should be allowed to enter into mutual aid agreements with agencies that need immediate access to those resources in times of crisis, regardless of jurisdictional boundaries.

The First Responder Sub Panel recommends amendments to the Code of Virginia that increases the effectiveness law enforcement emergency response:

Problem #1:

State law does not allow private university police departments to enter into mutual aid agreements with other law enforcement agencies in Virginia.

Example:

The University of Richmond Police Department is currently not permitted to enter into a mutual aid agreement with the Henrico County Police Department; however, it may do so with the District of Columbia Police Department.

Solution:

Amend Section 15.2-1736 (Mutual aid agreements among governing bodies of localities) to include private university police departments.

Rationale:

Private university police departments are authorized in the Code of Virginia to enter into mutual aid agreements with localities outside of Virginia (Section 15.2-1727 and Section 23-234). The proposed amendment provides consistency of authority among local and university police departments to enter mutual aid agreements with other law enforcement agencies within Virginia.

Problem #1 Supporting References

EXISTING LAW:

§ 15.2-1727. Reciprocal agreements with localities outside the Commonwealth.

A locality or a state-supported or private institution of higher learning may, in its discretion, enter into reciprocal agreements for such periods as it deems advisable with any locality outside the Commonwealth, including the District of Columbia, in order to establish and carry into effect a plan to provide mutual aid through the furnishing of its police and other employees and agents, together with all necessary equipment, in the event of such need or emergency as provided herein. No state-supported or private institution of higher learning shall enter into such agreement unless the agreement provides that each of the parties to such agreement shall: (i) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement and (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. Parties responding to a reciprocal agreement for mutual aid between localities shall be liable to third parties only to the extent permitted under and in accordance with the laws of the state of the party rendering aid.

The principal law-enforcement officer in any locality or of a state-supported or private institution of higher learning having a reciprocal agreement with a jurisdiction outside the Commonwealth for police mutual aid under the provisions hereof shall be responsible for directing the activities of all police officers and other officers and agents coming into his jurisdiction under the reciprocal agreement. While operating under the terms of the reciprocal agreement, the principal law-enforcement officer is empowered to authorize all police officers and other officers and agents from outside the Commonwealth to enforce the laws of the Commonwealth of Virginia to the same extent as if they were duly authorized law-enforcement officers of the locality or a state-supported or private institution of higher learning in Virginia.

The governing body of any locality or a state-supported or private institution of higher learning in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other localities outside the Commonwealth.

The police officers, and other officers, agents and employees of a locality or a state-supported or private institution of higher learning serving in a jurisdiction outside the Commonwealth under a reciprocal agreement entered into pursuant hereto are authorized to carry out the duties and functions provided for in the agreement under

the command and supervision of the chief law-enforcement officer of the jurisdiction outside the Commonwealth.

In counties where no police department has been established and the sheriff is the chief law-enforcement officer, the sheriff may enter into mutual aid agreements and furnish and receive such assistance as provided by this section. Sheriffs and their deputies providing assistance pursuant to such a mutual aid agreement shall enjoy all of the authority, immunities and benefits as provided herein for police officers, including full police powers.

(Code 1950, § 15-552; 1962, c. 623, § 15.1-131; 1968, c. 800; 1971, Ex. Sess., c. 238; 1976, c. 457; 1977, c. 79; 1979, c. 503; 1984, c. 779; 1992, c. 566; 1993, c. 860; 1995, c. 844; 1997, cc. 587, 638, 668; 2004, c. 769; 2007, c. 724.)

EXISTING LAW:

§ 23-234. Powers and duties; jurisdiction.

A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

(1977, c. 79; 1985, c. 386; 1991, c. 711; 1992, c. 187; 2002, c. 97.)

Problem #1 Proposed Amendment

§ 15.2-1736. Mutual aid agreements among governing bodies of localities.

The governing bodies of localities, and ~~state-supported~~ institutions of higher learning having a police force appointed pursuant to § 23-233 **et.seq.**, as well as sheriffs, and the Director of the Department of Conservation and Recreation with commissioned conservation officers, or any combination thereof may, by proper resolutions, enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, their equipment and materials to maintain peace and good order. However, no such ~~state-supported~~ institution of higher learning shall enter into such agreement with another ~~state-supported~~ institution of higher education in a noncontiguous locality without the consent of all localities within which such institutions are located. Any police or other law-enforcement officer, regular or auxiliary, while performing his duty under any such contract or agreement, shall have the same authority in such locality as he has within the locality where he was appointed.

In counties where no police department has been established, the sheriff may, in his discretion, enter into mutual aid agreements as provided by this section.

(1968, c. 157, § 15.1-159.7; 1987, c. 421; 1994, c. 268; 1997, cc. 587, 604; 2002, cc. 684, 709, 876; 2005, c. 87; 2006, c. 286.)